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PATENT

Remarks

Claims 38-52 are added by this Amendment. Claims 25-52 will be pending upon entry of this amendment.

General Remarks

The present invention relates generally to feminine care products and more particularly to feminine care products having an absorbent body and a message on an adhesive covering for motivating, entertaining, educating, or inspiring the user of the absorbent body. The feminine care product of the presented invention is an article of manufacture directed generally to the well-being, health and fitness of women during menstruation. Commonly, women experience irritability or other mood changes along with bleeding during menstruation. Some women experience emotional lows and may be in need of motivation, inspiration, or entertainment. In addition, there is a need to educate women about women's health issues and, more particularly, to women's health issues related to the menstrual cycle. Accordingly, the messages are intended to motivate, entertain, educate and/or inspire women during menstruation.

Absorbent products such as panty liners and feminine napkins frequently include areas coated with adhesive materials for attaching the article to a crotch area of clothing to hold the article in place adjacent a woman's pudendum during use. Frequently, a release liner or covering is removably attached to the adhesive coating to cover the coating and to prevent attachment of the article before the user removes the release liner from the adhesive coating. The covering is removed from the napkin and the napkin is then applied to underwear. Thus, the user comes in physical contact with the covering desirably drawing the user's attention to the message. As a result, the

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placement of a message specifically to educate, motivate, inspire or entertain women during menstruation on a covering attached to an absorbent body for adsorbing body fluids discharged during menstruation provides a novel approach to feminine care by addressing the physical needs, and the emotional needs of a women which are associated with the physical needs.

Response to Rejection of Claims

CLAIM 38

Newly added Claim 38 is directed to a feminine care product comprising:

a) an absorbent body for adsorbing body fluids discharged during menstruation, the absorbent body having a peripheral edge, a first side, and a second side opposite said first side;

b) an adhesive coating applied to said first side of the body permitting a user to attach said body to a preselected surface; and

c) a covering removably attached to the adhesive coating to prevent attachment of the body before the user removes the covering from the adhesive coating, said covering having a size and shape selected for covering at least a portion of the adhesive coating when attached to the adhesive coating, a release side for contacting the adhesive coating when the covering is attached to the coating, and a message side opposite said release side;

d) wherein said message side of the covering includes indicia directed to communicating a message to the user related to at least one of motivating the user, entertaining the user, educating the user, and inspiring the user.

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Claim 38 is submitted to be patentable over the references of record, and in particular, non-obvious in light of the combination of U.S. Patent Nos. 5,429,630 (Beal) and 5,147,698 (Cole). The references fail to show or suggest a feminine care product wherein the covering includes indicia directed to communicating a message to the user related to motivating, entertaining, educating or inspiring the user.

Beal discloses a feminine care product but does not disclose an adhesive covering containing a message. Accordingly, Beal is not pertinent to the distinction that applicants submit make the present invention patentable.

Cole discloses a bandage for the moist healing of wounds. The bandage comprises a two faced adhesive film covered on one face by a releasable liner and a backing on the other. (Cole, col. 7 ll. 38-42). The liner allows the adhesive film to be selectively used by preventing the adhesive from sticking prematurely to an undesirable article. The backing permanently attaches to the back face of the adhesive film. (Cole, col. 7 ll. 42-44). In addition, Cole discloses the placement of a logo, a decorative design or instructions for use of the product on either the backing or the releasable liner. (Cole, col. 7 ll. 8-11.)

Accordingly, Cole also fails to disclose indicia directed to communicating a message to the user related to at least one of motivating the user, entertaining the user, educating the user, and inspiring the user as claimed by the applicants.

Thus, Cole and Beal fail to show or suggest each and every element of the claimed invention. As a result, claim 38 is submitted as patentable over the references of record and in particular Beal and Cole.

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Claims 39-52 depend directly or indirectly from claim 38 and are submitted to be patentable over the references of record for the same reasons as claim 38.

While not expressly stated, it appears from the Examiner's comments in the May 6, 2003 Office action that the Examiner did not give any patentable weight to the claimed limitations regarding the indicia. According to 35 U.S.C. 103(a), the subject matter of the claim (including any printed matter) must be viewed "as a whole" in order to determine its patentability. See In re Gulack, 703 F.2d 1381, 1385 n. 8 (Fed. Cir. 1983). Furthermore, printed matter, in an article of manufacture claim, can be given "patentable weight." In re Miller, 418 F.2d 1392, 1396 (Fed. Cir. 1969). The court in that case reasoned that claims to measuring devices which contain specific writings which describe the devices were not an attempt to patent the printed matter by itself. Rather, the specific writings have a functional relationship with the measuring devices. Indeed, printed subject matter should not be ignored because it is non-statutory by itself. Id. See also, In re Royka, 490 F.2d 981, 985 (1973) (stating that printed matter may constitute a structural limitation upon which patentability can be predicated).

Claim 38 is similar to the claims in In re Miller because the indicia are functionally related to the feminine care product. As stated above, the claimed article, including the message, is directed to the physical and emotional well-being of women during menstruation. Along with the bleeding experienced during menstruation, women commonly experience irritability or other mood changes. The article, as claimed, is directed to both. The absorbent body is provided to absorb the released body fluids and the indicia is provided to motivate, entertain,

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educate and/or inspire women during their menstruation. As such, the indicia is functionally related to the feminine care product and should be given proper patentable weight.

CLAIM 25

Claim 25 is directed to a laminated structure comprising:

- a) a body having a peripheral edge, a first side, and a second side opposite said first side;
- b) an adhesive coating applied to said first side of the body permitting a user to attach said body to a preselected surface; and
- c) a covering removably attached to the adhesive coating to prevent attachment of the body before the user removes the covering from the adhesive coating, said covering having a size and shape selected for covering at least a portion of the adhesive coating when attached to the adhesive coating, a release side for contacting the adhesive coating when the covering is attached to the coating, and a message side opposite said release side;
- d) wherein said message side of the covering includes indicia directed to communicating a message to the user related to at least one of motivating the user, entertaining the user, educating the user, and inspiring the user.

Claim 25 is rejected under 35 U.S.C. §103 as being obvious over the combination of Beal and Cole. However, as has been discussed in connection with claim 38, neither Beal nor Cole shows or suggests a laminated structure having a removable covering containing indicia directed to communicating a message to the user related to at least one of motivating the user, entertaining the user, educating the user, and inspiring the

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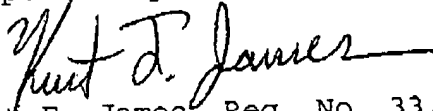
user. Applicant submits claim 25 as patentable over Beal and Cole for the reasons stated above. Claims 26-37 depend directly or indirectly from claim 25 and are submitted as patentable for the same reasons.

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CONCLUSION

In view of the foregoing, favorable consideration of claims
25-52 as now presented is respectfully requested.

Respectfully submitted,



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